

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JUAN VEGA-FRIAS,

Petitioner/Defendant,

vs.

No. CIV 09-0419 JB/WDS

No. CR 07-1014 JB

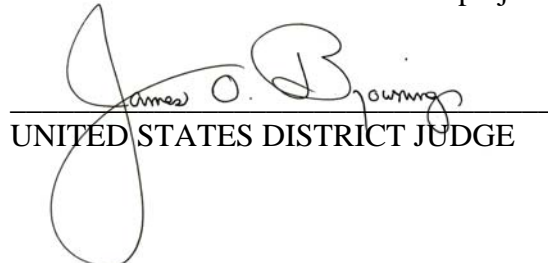
UNITED STATES OF AMERICA,

Respondent

ORDER

THIS MATTER comes before the Court on Petitioner's Motion Pursuant to 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, filed April 29, 2009 (Doc. 1). On July 13, 2009, Respondent United States of America filed a response in opposition to the motion. See United States' Response to Juan Vega-Frias' 28 U.S.C. § 2255 Petition to Vacate, Set Aside or Correct a Sentence, filed July 13, 2009 (Doc. 9). Petitioner Juan Vega-Frias did not file a reply. Having reviewed the record de novo and considered the United States Magistrate Judge's Proposed Findings and Recommended Disposition, filed January 5, 2010 (Doc. 10), to which Vega-Frias did not object, and being otherwise fully advised, the Court finds that the Motion to Vacate, Set Aside, or Correct Sentence should be denied.

IT IS ORDERED that: (i) the United States Magistrate Judge's Proposed Findings and Recommended Disposition is adopted; and (ii) the Petitioner's Motion to Vacate, Set Aside, or Correct Sentence filed under 28 U.S.C. § 2255 is denied and this matter is dismissed with prejudice.


UNITED STATES DISTRICT JUDGE

Parties and counsel:

Juan Vega-Frias
Pecos, Texas

Plaintiff pro se

Gregory J. Fouratt
United States Attorney
Mary Catherine McCulloch
Assistant United States Attorney
Albuquerque, New Mexico

Attorneys for the Defendant